In the Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-223

S. E. NICHOLS SHILLINGTON CORP., PETITIONER

v.

NATIONAL LABOR RELATIONS BOARD

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MEMORANDUM FOR THE NATIONAL LABOR RELATIONS BOARD IN OPPOSITION

We invite the Court's attention to the following facts, which show that the petition for a writ of certiorari was filed out of time.

The judgment of the court of appeals (Pet. App. 4-5) was entered on April 10, 1973. The 90-day period for filing a petition for a writ of certiorari, prescribed by 28 U.S.C. 2101(c), expired on July 9, 1973, and no extension of time was sought or granted. The petition was filed on August 2, 1973.

The petition is thus untimely, the Court has no jurisdiction to entertain it, and it should be denied.

Respectfully submitted.

ROBERT H. BORK,
Solicitor General.

PETER G. NASH,
General Counsel,
National Labor Relations Board.

AUGUST 1973.

DOJ-1973-08